IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22537 of 2004

Between:

V. Nageswara Rao, S/o. Pitchaiah,
Mundlamur Village & Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Mundlamur Mandal, Prakasam

District.
4 The Joint Collector (Full Additional Charge), Prakasam District

at Ongole.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in not releasing the essential commodities to the petitioner so as to enable him to distribute to the cardholders of F.P Shop of Mundlamur Village and Mandal, Prakasam District and consequential proceedings of the 4th respondent in RC.S2/4730/2004 dated 30-11-2004 rejecting the grant to stay petition filed along with the appeal on the operation of the order of the 2nd respondent herein in Proceedings No. RCF/2122/204 dated 17-11-2004 suspending the authorization of Fair Price Shop Dealership of the petitioner as arbitrary, malafide, illegal, improper, unconstitutional and consequently set-aside the same, thereby enabling the petitioner to continue as permanent Fair Price Shop Dealer of Mundlamuru Village & Mandal, Prakasam District, and pass such other order or orders.

Counsel for the Petitioner: MR.RAJANIKANTH JWALA

Counsel for Respondents 1 to 4 : GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner as a fair price shop dealer was suspended by the second respondent through his proceedings dated 17-11-2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent. He also filed an application for stay. Alleging that no orders have been passed by the first respondent in the application for stay, the petitioner filed W.P.No.21599 of 2004. The writ petition was disposed of on 25-11-2004, directing that the first respondent shall pass appropriate orders in the appeal or in the stay application, as expeditiously as possible and till such time, the order of suspension dated 17-11-2004 shall be inoperative. Thereafter, the first respondent passed the order dated 30-11-2004 dismissing the application for stay. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Several allegations and counter allegations are made by the parties by way of filing counter affidavits, reply affidavits etc., The authorization of the petitioner was suspended on the allegation that he did not comply with the direction for production of the records in proof of supply of the essential commodities for certain months. Though the learned counsel for the petitioner strongly asserts that records were in fact placed before the Mandal Revenue Officer, this Court is not inclined to record any finding on the same. The first respondent would be in a better position to examine the matter and record findings.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the first respondent to pass appropriate orders in the appeal, within a period of four weeks from the date of receipt of a copy of this Court, duly giving an opportunity to the petitioner to place the necessary material. If no orders

are passed within a period of four weeks, the order of suspension passed against the petitioner shall remain stayed till the disposal of the appeal. There shall be no order as to costs.

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03-03-2005

kdl

To

1 The Joint Collector, Prakasam District at Ongole.

2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Mundlamur Mandal, Prakasam

District.
4 The Joint Collector (Full Additional Charge), Prakasam District

at Ongole.

5 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad, A.P., Hyderabad. (OUT).

6 Two C.D. Copies.